

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

PATSY WERNER,

06-CV-600-HU

Plaintiff,

ORDER

v.

MICHAEL J. ASTRUE,
Commissioner, Social Security
Administration,

Defendant.

TIM WILBORN
Wilborn Law Office, PC
19093 S. Beavercreek Road
PMB #314
Oregon City, OR 97045
(503) 632-1120

Attorney for Plaintiff

KARIN J. IMMERGUT
United States Attorney
NEIL J. EVANS
Assistant United States Attorney
1000 S.W. Third Avenue, Suite 600
Portland, OR 97204-2902
(503) 727-1053

MICHAEL McGAUGHRAN

Office of the General Counsel

DAVID M. BLUME

Social Security Administration

701 Fifth Avenue, Suite 2900

M/S 901

Seattle, WA 98104

(206) 615-2730

Attorneys for Defendant

BROWN, Judge.

Magistrate Judge Dennis James Hubel issued Findings and Recommendation (#13) on May 11, 2007, in which he recommended the Court affirm the Commissioner's decision denying Plaintiff's application for disability insurance benefits. Plaintiff filed timely objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988); *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981), *cert. denied*, 455 U.S. 920 (1982).

Plaintiff's Objections generally reiterate the arguments contained in her Opening and Reply briefs or merely comment on the evidence. The Court has carefully considered Plaintiff's

objections and concludes they do not provide a basis to modify the Findings and Recommendation. This Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Hubel's Findings and Recommendation (#13). Accordingly, the Court **AFFIRMS** the Commissioner's decision and **DISMISSES** this matter.

IT IS SO ORDERED.

DATED this 30th day of July, 2007.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge